

REMARKS

Claims 1-16 are pending in this application, of which claims 1 and 7 are independent. Claims 1, 6-8, and 13-15 have been amended to clarify aspects of the present invention. Support for the amendments is found, for example, at page 19, lines 27-28 of the specification. No new matter is added.

Applicants note with appreciation the indication of allowable subject matter recited by claim 15.

Claim Rejections – 35 U.S.C. § 112

Claims 6 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully submit that the amendments made to claims 6 and 8 overcome this rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the above-stated rejection.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 7, 8, 10 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1294202 (“Chen”) in view of U.S. Patent Publication Number 2002/0114274 (“Sturges”). Claims 2-6, 11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Sturges as applied to claim 1, and further in view of U.S. Patent Number 6,493,349 (“Casey”). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Sturges as applied to claim 7 and further in view of U.S. Patent Number 6,882,643 (“Mauger”). Applicants respectfully traverse these rejections for at least the following reasons.

The Examiner asserts that Chen discloses a bearer control network used to allocate route for the service. Although the Examiner conceded that Chen fails to disclose marking a priority of the service as required by claim 1, the Examiner asserts the Sturges discloses marking a priority of the quality of service. Applicants respectfully disagree.

Sturges appears to disclose the step of authorizing the service (see, step 406 in FIG. 4 of Sturges). It is clear that this step determines whether the service can be provided for a user on the premise that the user has a service requirement. However, amended claim 1 of the present application recites “determining whether both a service data receiving site and a service data sending sites have a quality of service requirement.” It is clear that Sturges fails to disclose this feature of amended claim 1. Chen does not cure the deficiencies of Sturges. Chen does not determine whether both service data receiving and sending sites have a quality of service requirement. Further, Casey and Mauger also fail to cure the deficiencies of Sturges and Chen.

As such, it is clear that none of the cited references, taken alone or in any combination thereof, render claim 1 and any claim dependent thereon obvious. Since claim 7 has been amended to recited substantially similar limitations as claim 1, claim 7 and any claim dependent thereon are also patentable over the cited references. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-14 and 16 under 35 USC § 103.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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